

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

UNITED STATES OF AMERICA,

v.

[2] DONALD KEITH ELLISON,
(Counts One to Six, Eleven and Twelve)

Defendant.

CRIMINAL NO. 19-541-FAB-2

UNOPPOSED MOTION TO MODIFY CONDITIONS OF PRETRIAL RELEASE

TO THE HONORABLE COURT:

COMES NOW Defendant Donald Keith Ellison, by and through the undersigned attorneys, and pursuant to 18 U.S.C. § 3142(c), respectfully requests that the Court modify Mr. Ellison's pretrial release conditions to allow: (1) travel within the State of Georgia to attend sporting and school events involving Mr. Ellison's children; (2) occasional travel to Bay County, Florida, for a period of time limited to less than 5 days, once per month, for purposes of wedding planning and to perform necessary maintenance on property owned by Mr. Ellison located at 259 Seahorse Lane, Panama City Beach, Bay County, Florida, and 533 Wahoo Drive, Panama City Beach, Bay County, Florida; and (3) travel to Bay County, Florida for purposes of attending Mr. Ellison's own wedding and honeymoon from May 26, 2020 through June 11, 2020.

1. The appearing party is presently under conditions of release (outlined in Dkt No. 16), which restricts his travel to the Northern District of Georgia. Georgia is divided into three separate judicial Districts; Northern, Southern and Middle. Therefore, the current travel restriction requires Mr. Ellison to remain within a relatively small geographic area.

2. The current travel restriction makes it difficult or impossible for Mr. Ellison to travel even within the State of Georgia for family purposes or to seek employment outside a relatively small geographic area. Mr. Ellison's three children, all boys, are involved in numerous team sporting events and school activities that, given Mr. Ellison's location and proximity to other districts within the State of Georgia, frequently require travel to the Southern and Middle Districts of Georgia. Mr. Ellison's soon-to-be wife is employed and often Mr. Ellison is the only available family resource for attending (and transporting) his children to these events. Mr. Ellison is respectfully requesting permission to be able to travel throughout the State of Georgia for sporting and school events involving his children and to seek employment if available.

3. In addition, Mr. Ellison resided for a time and owns two properties in Bay County, Florida: (1) 259 Seahorse Lane, Panama City Beach, Bay County, Florida, and (2) 533 Wahoo Drive, Panama City Beach, Bay County, Florida, both subject to *lis pendens* as ordered by this Court (Dkt Nos. 63 & 64). Bay County is approximately 200 miles South of Mr. Ellison's residence in LaGrange Georgia and is in the Florida panhandle just southwest of the Georgia border. Both properties require the

performance of certain upkeep and maintenance to ensure that their value is preserved and that the properties remain habitable. In addition to the properties Mr. Ellison must maintain, he is also in the middle of planning his wedding which is planned to take place in Bay County, Florida on May 28, 2020. As a result, Mr. Ellison is respectfully requesting permission to travel to Bay County, Florida, located in the Northern District of Florida, for a period of time not to exceed 5 days, once per month.

4. With respect to the aforementioned nuptials of Mr. Ellison, Mr. Ellison is respectfully requesting permission to travel to Bay County, Florida for the period from May 26, 2020 through June 11, 2020, for his wedding on May 28, 2020, and his subsequent honeymoon.

5. Although not dispositive, other co-defendants in this case have been granted travel rights within the continental United States for purposes of employment. Mr. Ellison is not anticipating travel outside the requested area during the pendency of this case. However, he will seek additional travel authorization if it becomes apparent that it is necessary for him to find employment.

6. Assistant United States Attorney Seth Erbe has been consulted as to the aforementioned proposals and has indicated that the Government has no objection so long as Mr. Ellison complies with all requirements of Probation.

WHEREFORE, Mr. Ellison respectfully requests that this Honorable Court **GRANT** Mr. Ellison's Motion to Modify Conditions of Pretrial Release by permitting: (1) travel within the State of Georgia related to sporting and school events involving his

children; (2) occasional travel to Bay County, Florida, for a period of time limited to less than 5 days, once per month, for purposes of wedding planning and to perform necessary maintenance on property located at 259 Seahorse Lane, Panama City Beach, Bay County, Florida, and 533 Wahoo Drive, Panama City Beach, Bay County, Florida; and (3) travel to Bay County, Florida for purposes of attending Mr. Ellison's own wedding and honeymoon from May 26, 2020 through June 11, 2020. Mr. Ellison would inform his probation officer prior to every trip outside the Northern District of Georgia so that his whereabouts are always known.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, this 17th day of January, 2020.

NORTON ROSE FULBRIGHT US LLP

/s/ Thomas W. Rinaldi

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CERTIFICATION

IT IS HEREBY CERTIFIED that on this same date I electronically filed the foregoing motion with the Clerk of the Court using the CM/ECF system which will send notification of such filing to all counsel of record.

/s/ Thomas W. Rinaldi

Thomas W. Rinaldi